# Visibility DA

Note: This is specific to the Nov/Dec topic on jury nullification, but I think it’s particularly true and thought-provoking.

A model of queerness constituted by being outwardly marked is dangerous—for the most vulnerable queer and trans folk, the Aff forces an impossible decision between risking themselves in unsafe communities by “coming out” and being sent to prison. Presuming that queerness should be either visibly marked or self-disclosed contributes to a culture that perpetuates the suffering of bodies for whom a “safe space” does not exist. The fantasy of visibility as liberation, particularly within the context of legal redress, only works to hurt the most vulnerable while placating demands for material change.

#### Darkmatter[[1]](#footnote-1)

Today we join in solidarity with queer & trans activists of color who have long challenged the idea of 'coming out.' As Decena reminds us: Within an increasingly racist state where visibility for many low income people of color means criminalization, who can afford to be 'out?' What becomes evident is that coming out is not about liberation for many of us, it's about regulation. What are we coming out for? Who are we trying to validate ourselves to? On whose terms? What agenda is making us be visible? Forcing people to 'come out' during an epidemic of queer homelessness, poverty, and criminalization is not just irresponsible, it's a tactic of violence. Celebrating narratives of visibility over narratives of strategy is racist, classist, and transphobic. The white cis gay movement wants to blame straight society for all of these issues—but we also have to be critical about how GayTM and all of its strategies [of] (including coming out) also contribute to racist violence. What are queer youth supposed to do when they're kicked out and there are no homeless shelters for them? How do trans people of color 'come out' of poverty? Telling people to 'come out' is much easier than giving them housing, land, money, and real safety. What's important to recognize is that "LGBT rights" aren't actually about the vast majority of LGBT people. LGBT rights as they have been defined to serve the interests of the elite who are able to profit off of [LGBT] our identities as representation (pride!, television shows, tourism, etc.) but not [their] our reality (poverty, homelessness, prisons). In a world where your representation is regarded more than your reality, choosing to remain 'closeted' can be an act of resistance.

The dangerous notion that support can only be garnered by coming out reinforces a capitalist system whereby populations are marked by labels that shift to satisfy corporate demand. This twisted representation only serves to benefit the LGBT upper-class.

#### Moore[[2]](#footnote-2)

If you’ve ever been to a supermarket, these kinds of labels should look familiar. Our culture slaps neon stickers onto products to let a consumer know what they’re buying, and to advertise exactly how special and important certain products are. We’re so used to this kind of marketing, sometimes labeling exists beyond just the super-market shelves. Whether or not these labels on objects are effective, using this kind of labeling practice as a model for human interactions is dangerous. What exactly does labeling look like when it comes to people? Beyond just derogatory slurs, labeling can crop up uncomfortable situations. When people try to figure out [someone’s] my sexuality, sometimes it seems like they’re trying to place a sale sticker on [their] my forehead, or like they’re trying to pin the most accurate price tag to me in order to quantify [their] my experience. And I’m sure I’m not the only one who feels this way. I have friends who think that I’m a lesbian, pretending to be straight so that I’m not demonized. I have friends who think that I’m just straight looking for attention by being special for being attracted to women. The truth is that I’m neither straight nor a lesbian, but something entirely different. The labels that people place on me squeeze me out of my already minuscule place in society. When you feel the need to pin someone under the Queer umbrella to a specific label, it is a form of objectification that dehumanizes the person. This doesn’t just extend to Queer people, of course, but it is a trend that runs rampant when media tries to understand the Queer community. Take, for example, the movie Brokeback Mountain.  Often denoted THE gay movie (and if you think it’s the only gay movie, you need to love yourself) it is actually a movie about sheep herders who are attracted to both men and women.  While there are a lot of other inherent issues with the plot, labeling something and enforcing strict boundaries upon sexuality can not only limit conversation, but expression as well. It is an unfortunate side effect of living in a culture that worships capitalism: people will be placed in easy-to-define groups that are the most efficient way to shovel advertisements down their throat. Take, for example, the surge of corporate acceptance after [Legalization of] gay marriage was legalized last summer. While this was ultimately a joyous day for many Queer people, it was also a victory for many companies showing their support with rainbows and proclamations of love. There [is] will be no doubt a corporate-inspired movement encouraging coming out, but supported through the intention to construct more accurate focus groups. Being Queer has become another way for corporations to make profits, and I advise all consumers to be wary of attempts to market love when they propagate a system based on hate. This discussion is not to say that a label cannot bring comfort, only that it is dangerous when it is not introduced by the Queer person themselves. When I learned that there were other people like me and they called themselves bisexuals, it was a freeing experience like no other. The overarching problem arises when people do not respect those who are questioning, those who change their label frequently, or even those who choose not to have a label at all. People under any of those categories are still valid, and still very Queer. Above all else, it comes down to the basic quality of respect. Whatever someone tells you about their identity, respect it but realize that it is not their responsibility to explain it to you. We are not products to be labeled, we are not selling ourselves; we are people, trying to understand ourselves, trying to love, and trying to live.

The ballot should prioritize the most vulnerable—legal reform strengthens institutions by creating an illusion of protection that operates through the sacrifice of the most vulnerable and whitewashes complicity in queerphobic, transphobic structures.

#### Spade[[3]](#footnote-3)

Our policy reform work also needs to come from this perspective. Changing key laws and policies that impact the survival of our communities is important, but must be done with care to avoid the dangers of legitimizing and expanding oppressive systems. When we seek to reform oppressive institutions, we have to ask ourselves how the reforms we are considering, or the various compromise positions we might be pushed into, will impact the most vulnerable people in our communities. For example, if we are trying to get a discriminating system to recognize trans people's genders, but they want to use a [certain] surgery standard, recognize that this type of policy is not a victory for our community. Most trans people do not want to access such health care, and surgery-reliant policies shore up the stereotype that access to such care defines trans people’s identities. Changing a law or policy from one transphobic position (trans people do not exist/cannot be recognized) to another (trans people can be recognized only through surgery) can actually make[s] it harder to push for a policy that is based on the reality of trans people’s lives, dividing our communities along the lines of class, race, and gender.

1. Darkmatter [Trans South Asian performance art duo comprised of Lok Vaid-menon and Janani Balasubramanian.] Facebook post. 11 October, 2015. https://www.facebook.com/darkmatterpoetry/posts/910864705661114 [↑](#footnote-ref-1)
2. Maloy Moore. “The Queer Market.” Wetlands Magazine. 2 November 2015. [↑](#footnote-ref-2)
3. Dean Spade [Assistant professor at Seattle University School of Law]. “Trans Law Reform Strategies, Co-Optation, and the Potential for Transformative Change.” 2009. [↑](#footnote-ref-3)